Government of Andhra Pradesh
ABSTRACT

Prisoners – Andhra Pradesh – Release on Parole of Convict Prisoners – Application from Prisoners or relatives – Revised Rules of procedure – Issued.

HOME (Paroles & HRC) DEPARTMENT

G.O.MS.No. 4 Dated: 06-01-2025

Read the following:

1) G.O.Ms.No.1437, Home (Prisons. B) Department, dated:10th September,1957.
2) G.O.Ms.No. 647, Home (Prisons.C) Department, dated.23-10-1981
3) From the Director General of Prisons and Correctional Services, Andhra Pradesh. Lr.No.RC3-148-2024, dated:12-11-2024.

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O R D E R:-

The following notification will be published in the Andhra Pradesh Gazettee--.

NOTIFICATION

In exercise of the powers conferred by sub – section (5) of section 473 of the Bharatiya Nagarik Suraksha Sanhita Act, 2023 (Central Act, No.46 of 2023) and in supersession of the suspension of sentence on Parole Rules issued in Government Orders 1st and 2nd cited, the Governor of Andhra Pradesh hereby makes the following rules for the suspension of sentence on Parole.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director, Printing and Stationery for publication in Andhra Pradesh Gazette.
The Director General of Prisons and Correctional Services, Andhra Pradesh.

FORWARDED BY ORDER

Sd/-
SECTION OFFICER.

RULES:

1. (a) These rules may be called the Suspension of Sentence on Parole Rules, 2024.

   (b) They shall apply to all the prisoners convicted for an offence against any law relating to a matter to which the executive power of the State Government extends but shall not apply for regulating the grant of suspension of Furlough system. Under-trial prisoners are not eligible for regular parole.

   (c) When a petition for release on Parole on the ground of serious illness, death or marriage of any member of the family or near relative of the petitioner or for attending mourning ceremony (pedda karma) or for any other sufficient cause, is made by a prisoner, the Superintendent of the Jail in which the prisoner is imprisoned shall examine whether the grounds set out therein are in accordance with these rules and if they are genuine and in his opinion justify the grant of suspension of sentence on Parole, forward the same to the Government together with a copy of the prisoner's nominal roll and also forward copies thereof to the Director General of Prisons and Correctional Services, Andhra Pradesh. Petitions which in his opinion or not in accordance with these rules shall be lodged after being endorsed by the Superintendent to that effect.

Contd….2.

(d) Where the prisoner applies for grant of parole to be availed outside the State, the Superintendent of Jails shall forward such application direct to the Secretary/ Principal Secretary to Government, Home Department, who will, after consultation with the Government of the other State concerned, pass such order as may be deemed fit.

(e) Where a petition for suspension of the execution of a sentence of imprisonment for remission of the whole or part of a sentence of imprisonment is made by or on behalf of a person sentenced to imprisonment for an offence under any law relating to matter to which the executive power of the Union extends and the person sentenced to an imprisonment is in jail, the execution of the sentence shall be suspended and such person released on parole, subject to the conditions, for such period not exceeding fifteen(15) days, if the Government of the State in which such person is detained in jail is satisfied that the immediate release of such person on parole is rendered necessary by reason of any illness constituting a grave threat to the life of such person or of a parent, wife, husband or child of such person.

(f) A prisoner released on parole under the above paragraph 1 (d) shall enter into a bond, undertaking to reside during the period of the parole at a place specified therein and not depart therefrom, without the previous permission of the State Government and to return to the jail in which he is confined on expiry of the period of his parole, and to conform to such other conditions as the State Government may consider necessary.

2. A prisoner desiring to avail parole will submit his application in the prescribed form to the Superintendent of the prison. The Superintendent will examine each case carefully with regard to the eligibility for leave with particular reference to conduct, work, attitude towards family and community, and the manner in which the previous period of leave, if any, was utilized. He will then forward the application to the concerned District Officials for verification and their recommendation within seven (7) days of receipt of the application from the prisoner.

3. The Superintendent of the Jail to whom the petition is presented, before sending the petition to the Government and the Director General of Prisons and Correctional Services, Andhra Pradesh, shall ensure --

(a) That the prisoner has, in his petition given full particulars of his relationship with the person, on the ground of whose death or serious illness or marriage or for attending mourning ceremony (pedda karma) or any other sufficient cause, the petition made together with the full address of such person or his address at the time of his death or serious illness or marriage or any other sufficient cause, as the case may be;

(b) That the prisoner has specified the place or places which he intends to visit during his parole and the routes that he would take;

(c) That the prisoner has given a declaration in the petition that he would bear the cost of his journey from and to the Jail, in case he is released, and if he would not so bear, the reasons therefor are given;

(d) That he has personally enquired of the prisoner whether the contents of the petition are genuine and has warned him that he and the sureties would be liable to be punished in case they are found to be false; and

(e) That he has endorsed on the petition to the effect that “I asked the prisoner whether the contents of the petition are correct and that he has replied in the affirmative. I also warned him that, if on enquiry, the contents of his application are found to be false, he would be liable to be punished.”

(f) That the copy of Aadhaar Card of the prisoner is enclosed to the parole proposal;

(g) That prisoner has submitted medical certificate/documentary evidence of illness of the near relatives or family members of the prisoner along with the parole petition.

Contd….3.

4. In case there is any discrepancy or untruth in the medical certificate/documentary evidence of illness furnished, necessary criminal action shall be initiated against the Medical Officer or the hospital which furnished such medical certificate/documentary evidence of illness. If need be, the Superintendent of Jails shall get the contents of the medical certificate/documentary evidence of illness verified by the officers of the Revenue Department not lower in rank than a Village Revenue Officer and the District Probation Officer.

5. The Superintendent of Jails, in case the prisoners are not eligible for grant of parole, shall not recommend such cases to Government and shall specifically write that the prisoner is not eligible for grant of parole.

6. The Superintendent, shall in respect of a petition which in his discretion, needs reference to the Government, communicate the gist of the matter by express letter to the District Superintendent of Police and the District Probation Officer concerned, for verification and report direct to the Government and shall also endorse copies of such express letters to the Government (Home Department) and the Director General of Prisons and Correctional Services, Andhra Pradesh:

Provided, that when prisoners apply for parole on grounds of serious illness or sudden death of any of their family members or for any other sufficient cause which the Superintendent may consider urgent enough to require the police verification report over radio message, the Superintendent may send such radio message.

7. (i) The Superintendent of Jail shall, while calling for the Police Verification Reports, furnish the details and the names of the persons, who, the prisoner thinks, would furnish security or surety for him so that the Commissioner of Police/ District Superintendent of Police may, if necessary, verify the solvency of such persons and shall obtain the necessary bonds.

(ii) In case the prisoner overstays his parole, the concerned police shall initiate criminal action against the persons, who stood as sureties for the prisoner's release on parole besides forfeiting any amount deposited as surety. The amount of surety so forfeited, shall be deposited into the Andhra Pradesh Prisons Development Fund.

8. (i) The Commissioner of Police/ District Superintendent of Police shall ---

a) Furnish to the Government Home Department, the verification report on the prisoner's statement and his views for or against the release, as the case may be, and such report shall be sent by express letter, unless specifically requested to furnish it by radio message.

(i) Within seven (7) days in case the place of enquiry is near enough and the matter under enquiry urgent; and

(ii) Within fifteen (15) days at the most when the place of enquiry is a village situated in the interior parts of the country not connected by rail or road;

b) Specify, in case release is recommended, the conditions proposed for such release, if any, other than those specified in the schedule-I hereto attached e.g. the taking of surety/security etc.; and

c) Verify whenever a prisoner has shown his inability to bear the expenses of journey from and to the Jail, the financial conditions of the family of the prisoner and report whether such expenses may be borne by the Government.

(ii) The Commissioner of Police/District Superintendent of Police shall strictly adhere to these rules in the matter of maintaining surveillance over the prisoners released on Parole and to send up reports promptly to the Superintendent of Jails concerned in the case of violation of conditions of Parole; etc.,

Contd….4.

(iii) The remarks on the Parole reports shall be signed only by designated officers or in their absence by the Additional Superintendent of Police in Districts and the Deputy Commissioner of Police (Admn) in the Commissionerates.

9. The opinion of the District Officers viz., The Commissioner of Police/District Superintendent of Police and the District Probation Officer shall be obtained every time a prisoner applies for his release on Parole.

10. The District Probation Officers shall submit such reports within seven(7) days in case of the place of enquiry is near enough and the matter under enquiry is an urgent one and within fifteen (15) days at the most when the place of enquiry is a village situated in the interior parts of the country not connected by rail or road. Also, the District Probation Officers shall submit a report about the conduct of the prisoner during the release on parole. They shall be held responsible for any incorrect or perfunctory report and stern action shall be taken against them.

11. The Commissioner of Police/District Superintendent of Police may incur legitimate expenditure from the sanctioned grants for deputing special police officers or for quick communication with the distant Police Stations for purposes of urgent verifications in cases where the prisoner's family or relatives stay at places very far away from the head quarters and having no rail or road connection any other quicker means of transport.

12. On receipt of reports from the District Officials, the Jail Superintendent should submit the proposals to Government within seven (7) days.

13. When a petition is made direct to the Government by the relatives or friends of a prisoner, under these rules, the Government themselves may call for the reports from the concerned District Officials, referred to in the aforesaid rules wherever such action may be possible on the strength of information contained in such a petition and the Superintendent of Jail in which the convict in question is imprisoned shall on being intimated of the same, take such further action, as may be necessary according to these rules.

14. (i) The Government shall on receipt of the said reports and if they consider it necessary after obtaining the opinion and record of trial referred to in sub section (2) of section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023 pass such orders in the matter as they deem fit and communicate the same to the Superintendent of the Jail concerned, the petitioner, the District Superintendent of Police and other officers concerned.

(ii) If they direct that the prisoner be released on Parole, the period during which the parole shall be availed of by the prisoner shall be specified in the order and after the said period, the orders of release cease to be operative.

15. The form i.e. Schedule-I appended to this order shall be adopted for the order granting parole to prisoners.

16. The prisoner, shall, before proceeding on release on Parole, sign the form of acceptance set-forth in the schedule – II, attached here to and the form so signed shall be certified by the Superintendent of the Jail concerned, in the manner laid down therein.

17. (i) Police escort parole shall be granted to the indigent prisoners on the production of poverty certificates from the officers of the Revenue Department not lower in rank than a Tahsildar and the well-to-do prisoners shall have to bear the expenses of police escorts.

(ii) The concerned Superintendent of Jails may release convict prisoners for forty eight(48) hours on Emergency Police Escort Parole to enable them to attend the death of family members i.e., Grand Parents, Father, Mother, Brother, Sister, Wife/Husband and Children. Similarly, the Superintendent of Jails may also release such convicted prisoners on Emergency Police Escort Parole for forty eight(48) hours to attend mourning ceremony (pedda karma) of their deceased near relatives cited above.

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(iii) In case of those prisoners confined in Prisoners Agricultural Colony or the Semi-Open Prison, the concerned Superintendent of Jails may release the prisoners on Emergency Escort Parole over personal bonds for forty eight(48) hours to enable them to attend the death of their family members i.e., Grand Parents, Father, Mother, Brother, Sister, Wife/Husband and Children. Similarly, the Superintendent of Jails may also release such prisoners on Emergency Escort Parole for forty eight(48) hours to attend mourning ceremony (pedda karma) of their deceased near relatives cited above.

(iv) Only the trial court concerned shall be competent to grant emergency escort parole to under-trial prisoners.

18. (i) A prisoner, on completion of two(2) years of actual sentence, excluding remand period if any, from the date of admission to prison as convict, is eligible for grant of parole.

(ii) The following categories of male convicted prisoners shall not be released on parole during the first three years of their imprisonment, i.e. they should serve an actual sentence of three years, excluding the remand period, before they could be considered for release on parole, namely: -

a. Habitual offenders,
b. Convicted foreigners,
c. Prisoners convicted of robbery, dacoity, murder, forgery, rape.,
d. Hardened prisoners who are incorrigible,
e. Prisoners who are involved in offences against the State
f. Prisoners convicted under the Arms Act,1959 the Explosive Substances Act,1908 the Narcotic Drugs and Psychotropic Substances Act,1985(NDPS) or of counterfeiting Indian coins or currency etc.,
g. Prisoners involved in the Protection of Children from Sexual Offences, 2012 (POCSO) cases.

19. The prisoner released on parole shall, after expiry of parole and on his surrender to jail must submit a certificate viz., FORM FOR TIGHTENING RESTRICTION REGARDING SURVEILLANCE DURING THE PERIOD OF PAROLE, duly signed/initialed by the Village Revenue Officer or the Station House Officer concerned under whose jurisdiction the prisoner had resided during the period of parole. The Officer who signed/initialed this certificate will be held responsible and liable in case the prisoner is found to have violated any release conditions.

20. (i) The Superintendent of the Jail shall award punishment to the prisoner as laid down in Andhra Pradesh Prison Rules in force.

a) If, the petitioner is found to have made a false statement in the petition for release on parole;

b) If, on surrender to jail, the prisoner fails to produce the certificate mentioned in Point No.19 issued from the Village Revenue Officer or the Station House Officer concerned;

c) If, after obtaining release, he is found to have committed any breach of the Conditions laid down by Government for such release.

(ii) The Superintendent of Jail shall communicate the fact of awarding of such prison punishment to the Government and Director General of Prisons and Correctional Services, Andhra Pradesh.

(iii) In case any prisoner is inflicted with any prison punishment, he shall be eligible for applying for his next release on parole, after lapse of two (2) years from the date of expiry of the punishment period.

21. The period of overstayal of a prisoner after expiry of parole granted cannot be regularized as extension of parole with retrospective effect and no order shall be issued extending/sanctioning the parole with retrospective effect.

Contd….6.

22. As parole is only a concession and cannot be claimed by a prisoner as a matter of right, its denial for any period will not be a penalty. This concession is subject to cancellation. The State Government/Head of the Prison Department/ the Competent Authority reserves the right to debar/withdraw any prisoner, or category of prisoners, from the concession of parole, if the prisoner becomes ineligible or violates of the prescribed conditions in this regard.

23. Any person who either attempts to escape from prison or absconds from custody should not be considered for grant of parole.

24. If a prisoner already undergoing a sentence of imprisonment in the jail is subsequently convicted in another case by any Court, and if such prisoner applies for his release on parole after such subsequent conviction, the Superintendent of Jails shall specifically and prominently mention the fact of the prisoner's subsequent conviction in the letter addressed to the District Officials calling for their remarks on the prisoner's release on parole.

25. The grant of parole to those prisoners whose release may have adverse impact on the security of the State or safety of the individuals, may be strictly restricted.

26. Prisoners eligible for the grant of regular parole should not get it for a period of more than thirty (30) days at a time and not more than two times in a calendar year. However, in exceptional circumstances such parole can be extended up to a maximum period of forty five (45) days, but in no case such parole should be extended further. A convict can avail the extended release on parole upto forty five (45) days only once in a block of two(2) years.

27. In case there are more than one convict prisoner involved in the same case, the parole proposals of such prisoners shall not be processed in a routine manner but the concerned Superintendent of Jails shall exercise due diligence and process the parole applications in such a way so as to avoid any law-and-order complications once the prisoners are released on parole leave.

28. Women Prisoners can avail their thirty (30) days parole period in three (3) spells in a year, each spell consists of ten (10) days. Such a prisoner shall avail her next parole leave after expiry of six(6) months from the date of her surrender to jail in the third spell.

29. Special Parole for a period of ninety(90) days be granted to all convict women pregnant prisoners irrespective of the sections under which they are sentenced and irrespective of the sentence they have undergone, to have her delivery outside the prison. Only in exceptional cases constituting high security risk or cases of equivalent grave descriptions, this facility can be denied.

30. Ordinarily the period spent on regular parole or release on personal bond, shall not be counted as part of sentence. However, if the prisoner is released on any parole leave with police escort, such period will be counted as part of sentence.

31. The prisoner shall bear the expenses of journey from and to the jail, unless otherwise ordered by the Government.

32. The Superintendent of the Jail concerned shall report to the Government, the Director General of Prisons and Correctional Services, Andhra Pradesh. and the Commissioner of Police/District Superintendent of Police concerned, the date when the prisoner is released on parole and the date of his surrender back to the jail.

    Advance intimation should also be sent to the concerned Commissioner of Police/District Superintendent of Police regarding the date when the prisoner would be released on parole and the condition as set forth in the Schedule.

33. In any event of the prisoner not surrendering to jail on expiry of parole period, the Superintendent of Jails shall inform of the same to the police concerned and register a case under section 262 of the Bharatiya Nyaya Sanhita Act, 2023.

Contd….7.

34. The Superintendent of Jails shall send monthly reminders to concerned Police officials on prisoners who are overstaying their parole leave. It shall be the responsibility of the police concerned to apprehend the prisoners overstaying on parole and hand them over to the Jail concerned.

35. The continued illness of a relative of a prisoner shall not be considered as reasonable ground to justify grant of extension of the period of release on parole already sanctioned.

36. In case a prisoner, whose parole leave has been sanctioned by the Government, has other remand case(s) pending against him, he shall not be released from the prison on parole unless the prisoner obtains release orders in the remand case(s) from the courts concerned.

37. Parole shall not be granted to be availed of within the first six(6) months from the date of his admission into jail, after conviction and at least six(6) months period should elapse from the date of his surrender back to the Jail after availing the parole, before he is again released on parole, except in very exceptional circumstances. Similarly, once the police report not recommending the release of a prisoner on parole is received in the prison, the prisoner can apply for his next release on parole only after six months from the date of such non-recommendation. Also, in case no police report is received in the prison within six(6) months from the date of the Superintendent of Jails sending his letter to the concerned Police officials calling for their remarks, the prisoner shall be allowed to apply afresh for his release on parole. And in such a case, if any adverse report is received on the initial application of the prisoner after lapse of six(6) months, such remarks shall not have its effect on the fresh parole application submitted by the prisoner. The Superintendent of Jails shall process the prisoner's parole application only after the date on which the prisoner has become eligible and in no case, before the eligibility date.

38. There shall be no bar for the grant of parole to prisoner during the pendency of their appeals.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

SCHEDULE-I

Whereas, this convict prisoner ..... S/o / W/o. / D/o. ..... CT/FCT No..... confined in ..... (Name of the Prison)has applied for suspension of sentence awarded to him/her in ..... (Case Details)for a period of .....days on the following grounds:

(1)
(2)
(3)

Now, therefore, in exercise of the powers conferred by section 473 of the Code of BNSS 2023(Central Act 46 of 2023), the Government of Andhra Pradesh hereby suspend the sentence for a period of ..... days with effect from the date of release, the execution of the sentence of imprisonment awarded to the afore mentioned convict prisoner subject to the following conditions and acceptance thereof by the prisoner: -

(i) If the grounds on which the prisoner is released on parole are found to be false, the prisoner shall be apprehend by the police and sent back to jail forthwith whereupon this parole release order shall stand cancelled and prisoner shall be punished as per Rules laid down in Andhra Pradesh Prison Rules or/and any other Act, in force;

(ii) The prisoner shall reside with his family in .....(Address where the prisoner decides to stay during the period of parole leave)during the period of his release on parole and shall not proceed beyond the limits of the said area/address without the express written permission of the Station House officer of the Police Station having jurisdiction over the said area;

(iii) (a) The prisoner shall, during the period of parole, report himself before the Village Revenue Officer if there is no police station in the area and affix his/her signature or thumb impression in the prescribed form in token of his/her daily attendance before the Village Revenue officer.

(b) Where during the period of parole, the prisoner happens to stay at a place where a police station is located, he/she shall report at the police station every day during the said parole period and affix his/her signature or thumb impression in the prescribed Form in token of his/her daily attendance at the said Police Station;

(iv) During the parole period, the prisoner shall not commit any offence punishable under any law for the time being in force;

(v) During the parole period, the prisoner shall not associate with persons with notoriously bad character or lead a dissolute life;

(vi) During the parole period, the prisoner shall not indulge in any Party Politics and shall also not take part in any political propaganda;

(vii) The Superintendent of .....(Name of the Prison) shall release the prisoner after obtaining necessary surety/personal bond;

(viii) The prisoner shall bear the expenses of journey from and to the jail, unless otherwise ordered by the Government;

(ix) The prisoner shall surrender himself/herself to the Superintendent of ……(Name of the Prison)on the expiry of the period of parole by 12.00 Noon.

(x) The prisoner on his/her surrender to jail shall submit to the Superintendent of Jails, the conduct certificate issued from the Village Revenue Officer or the Station House Officer certifying his/her behavior during the parole period.

(xi) The prisoner shall be apprehended by the police and sent back to the jail if during the period of parole, he/she is found to have committed any breach of conditions (i) to (vi) afore–mentioned whereupon this parole order shall stand cancelled and the prisoner shall be punished as laid down in the Andhra Pradesh Prison Manual or/and any other Act, in force;

(xii) This parole order will get automatically cancelled if the prisoner does not avail parole within six months form the date of issue of this order; and

(xiii) No automatic extension of parole shall be granted.

The Superintendent of …… (Name of the Prison) shall take necessary action immediately under advance intimation to Commissioner/District Superintendent of Police and the local police concerned and explain to the prisoner before his/her release on parole, implications of the conditions afore-mentioned.

The Commissioner/District Superintendent of Police of ……(Name of the District) shall instruct the local police concerned with reference to conditions (i) to (vi) afore-mentioned and to maintain proper surveillance over the prisoner during the period of his/her release on parole. In case of any violation of the conditions (i) to (vi) afore-mentioned by the prisoner during the parole period, the prisoner shall be apprehended and sent back to jail by the police, if he/she does not surrender himself/herself to jail on the expiry of the period of parole. If the prisoner got himself/herself involved in any criminal case during this parole period, necessary action shall be initiated by the police against the prisoner besides sending him back to jail. In case, the prisoner stays at large, the concerned Police shall register a case against this prisoner under proper section of law and also initiate necessary criminal action against the persons who stood as surety for the prisoner's release on parole. Efforts shall be placed to apprehend the prisoner and send him back to jail.

Sd. XXXXXX
PRINCIPAL SECRETARY TO THE GOVERNMENT.